

Miranda Knight

From: William Hill <whill@frazierlawnc.com>
Sent: Monday, July 13, 2020 12:48 PM
To: 'Elizabeth Haddix'; 'Biller, Anthony J (78744)'
Cc: 'Sorey, Jane (78749)'; 'Robert M Ward'; bryan@jbryancolemanlaw.com; 'Jay Ferguson'; 'Banks, Adam P (78765)'; 'Miranda Knight'; 'Clyde Albright'; 'Ben Pierce'; 'Cc: Kristi Graunke'; 'Vera Eidelman'; 'Scott Holmes'; 'Mark Dorosin'
Subject: RE: demonstration July 11 - response requested

Elizabeth:

From what I have heard and read, it seems like everything went well on Saturday, which would certainly be a relief. If you do have photos of the poles you were concerned about, please share them. I would like to forward them to our folks along with your concerns.

Thank You.

From: Elizabeth Haddix <ehaddix@lawyerscommittee.org>
Sent: Saturday, July 11, 2020 1:18 PM
To: William Hill <whill@frazierlawnc.com>; 'Biller, Anthony J (78744)' <ajbiller@michaelbest.com>
Cc: 'Sorey, Jane (78749)' <jsorey@michaelbest.com>; 'Robert M Ward' <RWARD42@triad.rr.com>; bryan@jbryancolemanlaw.com; 'Jay Ferguson' <ferguson@tfblawyers.com>; 'Banks, Adam P (78765)' <apbanks@michaelbest.com>; 'Miranda Knight' <mknight@frazierlawnc.com>; 'Clyde Albright' <Clyde.Albright@alamance-nc.com>; 'Ben Pierce' <Ben.Pierce@alamance-nc.com>; 'Cc: Kristi Graunke' <KGraunke@acluofnc.org>; 'Vera Eidelman' <veidelman@aclu.org>; 'Scott Holmes' <holmess852@gmail.com>; Mark Dorosin <mdorosin@lawyerscommittee.org>
Subject: Re: demonstration July 11 - response requested

Thanks, Bill and I apologize that you were left off— (I replied all to the string Tony used).

Counter-demonstrators have long poles, many with pointed ends, on which their flags are mounted. These can (and have been) used as weapons.

Thanks,

Elizabeth Haddix (she, her)
Managing Attorney
Lawyers Committee for Civil Rights
Under Law Regional Office
P.O. Box 956
Carrboro, NC 27510
919.521.8333
www.lawyerscommittee.org



From: William Hill <whill@frazierlawnc.com>

Sent: Saturday, July 11, 2020 12:36:42 PM

To: 'Biller, Anthony J (78744)' <ajbiller@michaelbest.com>; Elizabeth Haddix <ehaddix@lawyerscommittee.org>

Cc: 'Sorey, Jane (78749)' <jsorey@michaelbest.com>; 'Robert M Ward' <RWARD42@triad.rr.com>;
bryan@jbryancolemanlaw.com <bryan@jbryancolemanlaw.com>; 'Jay Ferguson' <ferguson@tfblawyers.com>; 'Banks, Adam P (78765)' <apbanks@michaelbest.com>; 'Miranda Knight' <mknight@frazierlawnc.com>; 'Clyde Albright' <Clyde.Albright@alamance-nc.com>; 'Ben Pierce' <Ben.Pierce@alamance-nc.com>; 'Cc: Kristi Graunke' <KGraunke@acluofnc.org>; 'Vera Eidelman' <veidelman@aclu.org>; 'Scott Holmes' <holmess852@gmail.com>; Mark Dorosin <mdorosin@lawyerscommittee.org>

Subject: RE: demonstration July 11 - response requested

Elizabeth:

I was not copied on your earlier email, but read it via Anthony's response. I am informed our personnel are not permitting anyone with observable weapons into the event. Please encourage your folks to address any and all concerns with law enforcement present at the event.

Both Clyde Albright and Ben Pierce are out of town so please direct any written communications to me.

-----Original Message-----

From: Biller, Anthony J (78744) <ajbiller@michaelbest.com>

Sent: Saturday, July 11, 2020 11:43 AM

To: Elizabeth Haddix <ehaddix@lawyerscommittee.org>

Cc: Sorey, Jane (78749) <jsorey@michaelbest.com>; Robert M Ward <RWARD42@triad.rr.com>;
bryan@jbryancolemanlaw.com; Jay Ferguson <ferguson@tfblawyers.com>; Banks, Adam P (78765) <apbanks@michaelbest.com>; Miranda Knight <mknight@frazierlawnc.com>; Clyde Albright <Clyde.Albright@alamance-nc.com>; Ben Pierce <Ben.Pierce@alamance-nc.com>; Cc: Kristi Graunke <KGraunke@acluofnc.org>; Vera Eidelman <veidelman@aclu.org>; Scott Holmes <holmess852@gmail.com>; Mark Dorosin <mdorosin@lawyerscommittee.org>; William Hill <whill@frazierlawnc.com>

Subject: RE: demonstration July 11 - response requested

Elizabeth -

The City of Graham takes any threats of violence quite seriously which is why they issued the declaration of emergency. We appreciate your bringing notice of threats to our attention and request that you also immediately pass any threats of violence on to the law enforcement personnel coordinating the event. Your

client is working directly with law enforcement personnel so those lines of communications should be used. I appreciate your also letting me know.

Regarding the post you copied and sent, it accuses the protesters of planning an attack on Graham. I trust your client conveyed it to law enforcement personnel. I trust you know that local authorities are well aware of ACTBAC and are doing everything in their power to assure the safety of protestors, law enforcement personnel and residents of Graham as well as preserving property from destruction.

I continue to be perplexed by your assertion that law enforcement need your or my instructions regarding G.S. 14-277.2. I am informed that well before your emails, law enforcement assigned to this event had extensive briefings and discussions regarding the relevant law, to include GS 14-272.2. Having worked with and around law enforcement personnel, this comes as absolutely no surprise to me. To the contrary, that is what professional law enforcement does. For our law enforcement personnel, this is not an academic exercise. They have skin in the game, literally their skin. They are the ones on the "receiving ends" of weapons when standing between and in front of protesters. Your concerns in this regard that law enforcement personnel turn a blind eye to weapons at a protest continue to be misplaced. Every protest I have attended proves precisely the opposite. (That said, I was not present at the Raleigh BLM protests where I understand law enforcement effectively pulled back and stood down.) When the threat of deadly force is present, it is promptly confronted. However, regarding the legal parsing, in addition to what I pointed out to you last night regarding the emergency order, please also note that GS 14-277.2 pertains to only the protest location, whereas the emergency declaration applies to larger geographic area. The emergency declaration is thus broader in the weapons it covers and broader geographically.

Anthony J. Biller
Partner
Managing Partner, Raleigh Office
T 984.220.8744 | michaelbest.com
Michael Best & Friedrich LLP

-----Original Message-----

From: Elizabeth Haddix <ehaddix@lawyerscommittee.org>
Sent: Saturday, July 11, 2020 9:45 AM
To: Biller, Anthony J (78744) <ajbiller@michaelbest.com>
Cc: Sorey, Jane (78749) <jsorey@michaelbest.com>; Robert M Ward <RWARD42@triad.rr.com>;
bryan@jbryancolemanlaw.com; Jay Ferguson <ferguson@tfblawyers.com>; Banks, Adam P (78765)
<apbanks@michaelbest.com>; Miranda Knight <mknight@frazierlawnc.com>; Clyde Albright

<Clyde.Albright@alamance-nc.com>; Ben Pierce <Ben.Pierce@alamance-nc.com>; Cc: Kristi Graunke <KGraunke@acluofnc.org>; Vera Eidelman <veidelman@aclu.org>; Scott Holmes <holmess852@gmail.com>; Mark Dorosin <mdorosin@lawyerscommittee.org>

Subject: RE: demonstration July 11 - response requested

Tony:

The City of Graham's "Emergency Order" misleads the public that possession of weapons in the demonstration area is permitted, and only the "use" of them is not. We ask the City to amend the order and all website communication to make clear G.S. 14-277.2's prohibition on possession and/or immediate access to weapons at a demonstration.

Particularly in light of the attached, posted to social media yesterday by Steve Marley <https://uncalerts.wordpress.com/actbac/>, our clients are reasonably concerned that pro-Confederate demonstrators will bring weapons to disrupt the March for Justice and Community event which is starting in about an hour. They and we are concerned for the safety of the hundreds of people they expect to be participating in their planned peaceful demonstration.

I can be reached at 919-548-3584.

Thank you,

Elizabeth

Elizabeth Haddix (she, her)

Managing Attorney

Regional Office, Lawyers' Committee for Civil Rights Under Law P.O. Box 956 Carrboro, NC 27510

Tel.: 919.914.6106

Website: www.lawyerscommittee.org

-----Original Message-----

From: Biller, Anthony J (78744) <ajbiller@michaelbest.com>

Sent: Friday, July 10, 2020 8:19 PM

To: Elizabeth Haddix <ehaddix@lawyerscommittee.org>

Cc: Sorey, Jane (78749) <jsorey@michaelbest.com>; Robert M Ward <RWARD42@triad.rr.com>; bryan@jbryancolemanlaw.com; Jay Ferguson <ferguson@tfblawyers.com>; Banks, Adam P (78765) <apbanks@michaelbest.com>; Miranda Knight <mknight@frazierlawnc.com>; Clyde Albright

<Clyde.Albright@alamance-nc.com>; Ben Pierce <Ben.Pierce@alamance-nc.com>; Cc: Kristi Graunke <KGraunke@acluofnc.org>; Vera Eidelman <veidelman@aclu.org>; Scott Holmes <holmess852@gmail.com>; Mark Dorosin <mdorosin@lawyerscommittee.org>

Subject: Re: demonstration July 11 - response requested

Elizabeth,

There is no error. An emergency order does not displace or otherwise suspend GS 14-277.2. In fact, if you read the two together, you should find this expands law enforcement options. Since this is after hours, I don't have my statutes at hand, but I believe 277.2 regulates firearms. I believe the declaration cites 288.1, which is much broader in scope. Contrary to your concerns, my reading of the order broadens police power to address the possession and the use of weapons.

Per my last email, I am informed that the involved law enforcement personnel are aware of s. 14-277.2. This is their profession and they are quite competent.

I saw earlier your concerns about law enforcement restricting the use of profanity by protesters. I am informed that there was an incident where protesters and counter-protesters were inciting each other with profanities and law enforcement warned them to stop inciting each other and move on. I don't believe under current circumstances that restraining the sides from directly provoking each other with profanity or threats of violence is an unreasonable restraint. I hope you agree.

I look forward to your availability next week. In the meanwhile, I will be praying that peace prevails tomorrow.

Tony

Sent from my iPhone

ave any questions concerning this message, please contact the sender.

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